?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 25.10.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
+W.P(MD)No.21803 of 2018

#K.Mathialagan,
Son of Kaliaperumal,
Traffic Inspector(Retired),
Staff No.81DR1035,
Tamil nadu State Transport Corporation(Kumbakonam)Limited,
Kumbakonam Region.

Residing at

59, Melatheru,Senganur Post,
Thiruvidaimaruthur Taluk,
Thanjavur District. ... Petitioner

vs.

$1.The Management
of Tamil Nadu State
State Transport Corporation(Kumbakonam)Limited,
represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation(Kumbakonam)Limited,
Kumbakonam Region,
Kumbakonam.

3.The Administrator,
Tamil Nadu State Transport Corporation Pension
Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai~2. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to revise the Petitioner-s pay as per the Settlement under Section 12(3) of the Industrial Disputes Act dated 4.1.2018 with retrospective effect from 1.9.2016 and consequently to direct the respondents to revise and refix his retirement benefits and to disburse the difference amounts in his monthly pension, commuted value of pension, gratuity, earned leave salary to him with interest at the rate of 18% per annum payable from 1.9.2016 to till the date of actual payment, within the time limited fixed by this Court.

!For Petitioner : Mr.A.Rahul
^For R1 & R2 : Mr.D.Sivaraman
For R3 : Mr.A.P.Muthupandian,
Standing Counsel

:ORDER
The petitioner was employed as a Traffic Inspector. He retired from service on 31.07.2017. His grievance is that he is entitled to revision of scale of pay in terms of the settlement entered into under Section 12(3) of the Industrial Disputes Act, 1947. Since his pay was not revised, he made a representation dated 13.10.2018 therefor and that the same has not been considered. Therefore, this writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to revise the Petitioner-s pay as per the Settlement under Section 12(3) of the Industrial Disputes Act dated 4.1.2018 with retrospective effect from 1.9.2016 and consequently to direct the respondents to revise and refix his retirement benefits and to disburse the difference amounts in his monthly pension, commuted value of pension, gratuity, earned leave salary to him with interest at the rate of 18% per annum payable from 1.9.2016 to till the date of actual payment, within the time limited fixed by this Court.
2.Learned counsels for the respondents submitted that the respondents would dispose of the representation of the petitioner dated 13.10.2018 within a time frame.
3.Recording the above submissions, this Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 13.10.2018, in the light of the terms of settlement dated 4.1.2018 entered under Section 12(3) of Industrial Disputes Act, 1947, and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. In case, if the Petitioner is found eligible,, the eligible amount shall be disbursed to him within a period of two months thereafter. No costs.

To

1.The Managing Director,
Tamil Nadu State State Transport Corporation
(Kumbakonam)Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation(Kumbakonam)Limited,
Kumbakonam Region,
Kumbakonam.

3.The Administrator,
Tamil Nadu State Transport Corporation Pension
Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai~2.